

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE 2005 SEP -2 PM 3:43

Applicant: Walter P. Sjurzen, Marvin A. Leedom, Derek D. Mahoney, John M. Margicin, Frederick J. Fritz, John G. Aceti, David A. Preves, Ponnusamy Palanisamy

US PATENT & TRADEMARK  
OFFICE

Application No.: 09/477,700

Group: 2643

Filed: January 6, 2000

Examiner: T.D. Nguyen

Confirmation No.: 9604

For: HEARING AID WITH LARGE DIAPHRAGM MICROPHONE  
ELEMENT INCLUDING A PRINTED CIRCUIT BOARD

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
8/31/05 Date	<i>Julie Kertyzak</i> Signature
Julie Kertyzak Typed or printed name of person signing certificate	

REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26

Mail Stop 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request refund of \$1810.00, which was charged twice to Applicants' Attorney's Deposit Account No. 08-0380; once on June 30, 2005, and once on July 11, 2005 for a Request for Continued Examination (RCE) and a Petition for three-month extension in the above-identified application.

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The Monthly Statement of Deposit Account, dated June 2005, indicates that the Patent Office charged \$790.00 for Fee Code 1801, "Request for Continued Examination (RCE)," and \$1,020.00 for Fee Code 1253, "Extension for Response Within Third Month" for U.S. Application No. 09/477,700 (Attorney's Docket No. 2506.1008-001). A redacted copy of the relevant page of the Monthly Statement is enclosed.

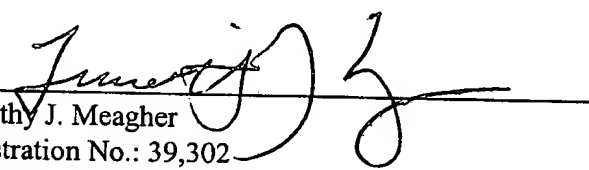
The Monthly Statement of Deposit Account, dated July 2005, indicates that the Patent Office charged the same amounts for the same fee codes for the same U.S. Application No. 09/477,700 (Attorney's Docket No. 2506.1008-001). A redacted copy of the relevant page of the Monthly Statement is also enclosed.

A Request for Continued Examination (RCE) with an Amendment and Petition for Extension of Time for 3 months was faxed on December 27, 2004 with the appropriate notation to charge to our Deposit Account No. 08-0380 in the amount of \$1810.00.

In view of the foregoing, Applicant's Attorney respectfully requests that the Patent Office credit Deposit Account No. 08-0380 in the amount of \$1810.00.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By   
Timothy J. Meagher  
Registration No.: 39,302  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 8/31/05

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## Deposit Account Statement



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## Deposit Account Statement

Requested Statement Month:  
Deposit Account Number:

Name:  
Attention:  
Address:  
City:  
State:  
Zip:  
Country:

June 2005

080380

HAMILTON BROOK SMITH & REYNOLDS  
LAURIE COHEN  
530 VIRGINIA ROAD  
CONCORD  
MA  
01742-9133  
UNITED STATES OF AMERICA

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DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
6/02	136				✓ \$1,400.00	\$21,425.00
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**Deposit Account Statement**

**Requested Statement Month:** July 2005  
**Deposit Account Number:** 080380  
**Name:** HAMILTON BROOK SMITH & REYNOLDS  
**Attention:** LAURIE COHEN  
**Address:** 530 VIRGINIA ROAD  
**City:** CONCORD  
**State:** MA  
**Zip:** 01742-9133  
**Country:** UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
07/01	562			8021	\$40.00	\$2,602.00
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07/05	222			8021	\$40.00	\$17,197.00
07/05	612			8021	\$40.00	\$17,157.00
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07/06	26			9203	-\$25,000.00	\$71,248.00
07/08	11			9204	-\$300.00	\$71,548.00
07/11	3			1806	\$180.00	\$71,368.00
07/11	9	09477700	2506.1008-001	1801	\$790.00	\$70,578.00
07/11	10	09477700	2506.1008-001	1253	\$1,020.00	\$69,558.00
07/12	6			1011	\$300.00	\$69,258.00
07/12	7			1051	\$130.00	\$69,128.00
07/12	8			1111	\$500.00	\$68,628.00
07/12	9			1311	\$200.00	\$68,428.00
07/12	10			1201	\$3,000.00	\$65,428.00
07/12	11			1202	\$5,700.00	\$59,728.00
07/12	47			8021	\$40.00	\$59,688.00
07/12	90			2801	\$395.00	\$59,293.00

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Walter P. Sjursen, Derek D. Mahoney, John M. Margarin, Frederick J. Fritz,  
John G. Aceti, David A. Preves and Ponnusamy Palanisamy

Application No.: 09/477,700

Group: 2643

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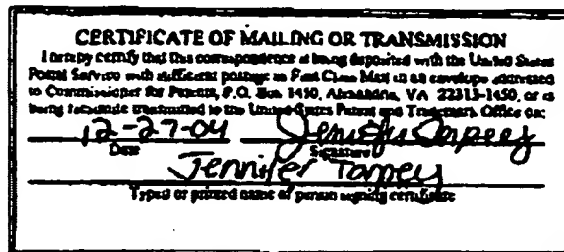
Filed: January 6, 2000

Examiner: Nguyen, Tuan Duc

DEC 27 2004

Confirmation No.: 9604

For: HEARING AID WITH LARGE DIAPHRAGM MICROPHONE ELEMENT  
INCLUDING A PRINTED CIRCUIT BOARD



## PETITION FOR EXTENSION OF TIME

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned attorney petitions the Commissioner for Patents to extend the time for filing a Notice of Appeal in reply to the Office Action made Final dated June 25, 2004 for three months, from September 25, 2004 to December 25, 2004 under 37 CFR § 1.136(a).

The Applicant is not filing a Notice of Appeal at this time but is filing an Amendment and a Request for Continued Examination concurrently herewith.

	Small Entity	Other than Small Entity
1 month -	\$ 60	\$ 120
2 months -	\$ 225	\$ 450
3 months -	\$ 510	X \$1,020
4 months -	\$ 795	\$1,590
5 months -	\$1,080	\$2,160

- ☐ A check is enclosed in the amount of the extension fee indicated above, or the extension fee has been included in the check with the accompanying Reply.
- ☒ Please charge Deposit Account No. 08-0380 in the amount of \$1,020.00 to cover the cost of the extension fee.

Any deficiency or overpayment should be charged or credited to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Kevin T. Shaughnessy

Kevin T. Shaughnessy  
Registration No. 51,014  
Telephone (978) 341-0036  
Facsimile (978) 341-0136

07/11/2005 TROBERTS 00000009 080380 09477700  
Concord, Massachusetts 01742-9133  
01 FC:1253 Dated: 1020.00 CR

PAGE 16/17 \* RCVD AT 12/27/2004 7:09:46 PM [Eastern Standard Time] \* SVR:USPTO-EF-XRF-1H \* DNS:8729308 \* CSID:1978 341 0136 \* DURATION (mm:ss):05:54

Adjustment Date: 10/24/2005 SDIRETA1  
07/11/2005 TROBERTS 00000009 080380 09477700  
01 FC:1253 1020.00 CR

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 133, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See The American Invention Protection Act of 1999 (AIPA)

Application Number	09/477,700
Filing Date	January 6, 2000
Confirmation Number	9604
First Named Inventor	Walter P. Sjurson
Group Art Unit	2643
Examiner Name	Tuan D. Nguyen
Attorney Docket Number	2506 1008-001

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(b) (PTO38/C9) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50097 (Aug. 16, 2000). Internal Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on ☐ (Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on ☐
- iii. ☐ Other - ☐
- b. ☐ Please do not enter the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on ☐
- c. ☒ Enclosed
- i. ☒ Amendment
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Petition for Extension of Time - three month(s) with copy
- v. ☐ Other - ☐

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ☐ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other - ☐

## 3. Fees

The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.

- a. ☐ A check is enclosed for the following fees in the total amount of \$☐
- OR
- ☒ Authorization is granted to charge the following fees in the total amount of \$1,810.00 to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Amendment Fee
- iv. ☐ Other - ☐
- b. ☒ Authorization is hereby granted to charge any deficiency in fees or credit any overpayments to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes.

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

Name (Print/Type)	Kevin T. Shaughnessy	Registration No. (Attorney/Agent)	51,014
Signature	<i>Kevin T. Shaughnessy</i>	Date	12/27/04

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type)	Jennifer Torpelt	Date	12-27-04
Signature	<i>Jennifer Torpelt</i>		

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09/477,700

-2-

The Monthly Statement of Deposit Account, dated June 2005, indicates that the Patent Office charged \$790.00 for Fee Code 1801, "Request for Continued Examination (RCE)," and \$1,020.00 for Fee Code 1253, "Extension for Response Within Third Month" for U.S. Application No. 09/477,700 (Attorney's Docket No. 2506.1008-001). A redacted copy of the relevant page of the Monthly Statement is enclosed.

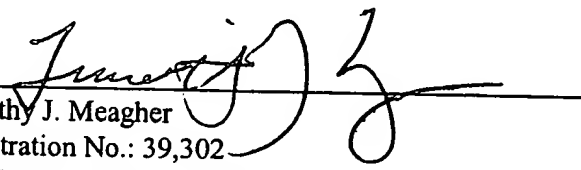
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Timothy J. Meagher  
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Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 8/31/05

## Deposit Account Statement



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Requested Statement Month:  
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June 2005  
080380  
HAMILTON BROOK SMITH & REYNOLDS  
LAURIE COHEN  
530 VIRGINIA ROAD  
CONCORD  
MA  
01742-9133  
UNITED STATES OF AMERICA

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